

**Lowenstein
Sandler**
ATTORNEYS AT LAW

MEMO ENDORSED

Lawrence M. Roelnick
Member of the Firm
Tel 973 597 2468
Fax 973 597 2469
lroelnick@lowenstein.com

September 7, 2012

VIA FEDERAL EXPRESS

Honorable Lawrence M. McKenna, U.S.D.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/25/2012

Re: *In re Adelphia Communications Corp. Securities & Derivative Litigation*
03 MD 1529 (LMM); ←

The Accident Fund Company (Blue Cross Blue Shield of Michigan) et al. v. Deloitte & Touche LLP, et al. (W.R. Huff Asset Management Co., L.L.C., former plaintiff)
Civil Action No.: 03-cv-5752 (LMM) ("Huff 1");

W.R. Huff Asset Management Co., L.L.C., v. Deloitte & Touche LLP, et al.
Civil Action No.: 07-cv-6849 (LMM) ("Huff 3").

Dear Judge McKenna:

We represent W.R. Huff Asset Management Co., L.L.C. ("Huff") and the beneficial owner plaintiffs (the "Beneficial Owners") in the *Huff 1* and *Huff 3* matters. As directed by the Court's Memorandum and Order dated August 28, 2012, and with the permission of Your Honor's Deputy Clerk, Mr. Zaepfel, to file our response by September 7, 2012, we write to provide the Court a list of all pending motions filed by our clients in the above referenced matters.

In *Huff 1*, Huff and the Beneficial Owners filed a motion to lift the PSLRA automatic stay of discovery against Deloitte (Master Docket 03-1529, Dkt. Nos. 354-56). That motion was mooted by our recent settlement with Deloitte, and the corresponding Stipulation and Order of Dismissal with Prejudice of Deloitte, filed on August 24, 2012. (Civil Action No.: 03-cv-5752, Dkt. No. 125).

¹ *W.R. Huff Asset Management Co., L.L.C., v. Deloitte & Touche LLP*, Civil Action No. 03 Civ. 5753 ("Huff 2"), was dismissed by the Court with prejudice on statute of limitations grounds on July 18, 2005, and no appeal of that ruling was taken.

Lowenstein Sandler PC In California, Lowenstein Sandler LLP

www.lowenstein.com

Reply 65 Livingston Avenue Roseland, New Jersey 07068 Tel 973 597 2500 Fax 973 597 2400
1251 Avenue of the Americas New York, New York 10020 Tel 212 262 6700 Fax 212 262 7402

Motions Docket Nos. 354-356 + also 375
ordered. W. Huff LMM, 9/25/12

Honorable Lawrence M. McKenna, U.S.D.J.
Page 2

September 7, 2012

There are no other currently pending motions by Huff and the Beneficial Owners. However, based on additional facts that have recently come to light, Huff and the Beneficial Owners plan to move for leave to amend their complaint against defendant Latham & Watkins LLP ("Latham"). If the anticipated motion for leave to amend is granted, the pending motion to dismiss referenced by Latham in its September 5, 2012 letter to this Court would be rendered moot.

Huff 3 was transferred to this Court in 2007. There are no unique counts in the *Huff 3* complaint, and no separate motions are pending in that case at this time.

Should the Court require any further information, please do not hesitate to contact us.

Respectfully submitted,



Lawrence M. Rolnick

11213/8
09/07/12 21510886 2

cc: All Counsel of Record (via email)
Marc B. Kramer, Esq.
Thomas E. Redburn, Esq.
Sheila A. Sadighi, Esq.